

Edwards & Angell LLP

101 Federal Street Boston, MA 02110 617.439.4444 fax 617.439.4170
www.EdwardsAngell.com

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Date: June 8, 2004

From: John B. Alexander, Ph.D.
To: Examining Group 1600

Fax: 617-439-4170

Direct: 617-517-5555

Company: U.S. Patent &
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Country: USA

Fax: 1-703-872-9306

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Pages: 6

(including cover sheet)

If you received a partial delivery, please call John Alexander at 617-517-5555.

Re: U.S. Serial Number: 10/070,209

Our Ref.: No. 57094 (71526)

340779

Fax

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PAGE 1/6 * RCVD AT 6/8/2004 5:59:48 PM [Eastern Daylight Time] * SVR:USPTO-EFAX-1/1 * DNS:8729306 * CSID:617 439 4170 * DURATION (mm-ss):01-58

Docket No. 57094 (71526)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: M. Sakanaka et al. EXAMINER: P. A. Patten
SERIAL NO. 10/070,209 GROUP: 1654
FILED: July 12, 2002
FOR: Brain Cell- or Nerve Cell-Protecting Agents Comprising Medicinal Ginseng

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is a Request for Reconsideration for this application.

STATUS

2. Applicant is
☐ a small entity. A statement:
☐ is attached.
☐ was already filed.
☒ other than a small entity.

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) -- If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☐ deposited with the United States Postal Service with sufficient postage by First Class Mail in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313-1450.

Date June 8, 2004

FACSIMILE

- ☒ transmitted by facsimile to the Patent and Trademark Office, Group 1755 at (703) 872-9306.


Signature

John B. Alexander, Ph.D.
(type or print name of person certifying)

(Amendment Transmittal--page 1 of 4)

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. Section 1.645 for extensions of time in interference proceedings, and 37 C.F.R. Section 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 410.00	\$ 205.00
<input type="checkbox"/>	three months	\$ 930.00	\$ 465.00
<input type="checkbox"/>	four months	\$ 1,450.00	\$ 725.00

Fee: \$ 0.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured. The fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

(Amendment Transmittal--page 2 of 4)

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below

(Col.1)	(Col.2)	SMALL ENTITY			OR	OTHER THAN A SMALL ENTITY	
Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee		Rate	Addit. Fee
			\$9.00	\$0.00		\$18.00	\$0.00
Independent Claims			\$42.00	\$0.00		\$84.00	\$0.00
First Presentation of Multiple Dependent Claim+			\$140.00	\$0.00		\$280.00	\$0.00
						Total Addit. Fee	\$0.00

* If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3,

** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (Section 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made," 37 C.F.R. Section 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

(c) ☒ No additional fee for claims is required.

OR

(d) ☐ Total additional fee for claims required \$ _____

FEE PAYMENT

5. ☐ Attached is a check in the sum of \$ ____.
- ☐ Charge Account No. _____ the sum of \$ ____.
- A duplicate of this transmittal is attached.

(Amendment Transmittal--page 3 of 4)

FEE DEFICIENCY

NOTE: *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ☒ If any additional extension and/or fee is required, charge Account No. 04-1105.

AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 04-1105.

Date: June 8, 2004


SIGNATURE OF PRACTITIONER

John B. Alexander, Ph.D. (Reg. No. 48,399)
(type or print name of practitioner)

EDWARDS & ANGELL, LLP
P.O. Box 55874
Boston, MA 02205
Tel. No. (617) 439-4444

Customer No. 21874

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(Amendment Transmittal—page 4 of 4)

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Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO SPECIES ELECTION

May 18, 2004, Applicants make the following elections:

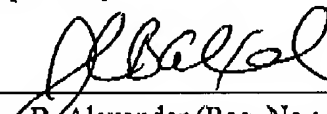
1. Cells: nerve cells; and
2. Diseases: cerebral infarction.

These elections are made with the understanding that upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim.

Early consideration and allowance of the application are earnestly solicited.

June 8, 2004

Respectfully submitted,


John B. Alexander (Reg. No.: 48,399)
EDWARDS & ANGELL, LLP
P.O. Box 55874
Boston, MA 02205
Tel. (617) 439-4444

447381